

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

ROBERT SINGHISEN,

Plaintiff,

v.

HEALTH CARE SERVICE  
CORPORATION, a Mutual Legal Reserve  
Company (operating as Blue Cross Blue  
Shield of Oklahoma),

Defendant.

Case No. 20-1012-SLP

**ORDER**

By separate Order entered on this same date, the Court has granted Defendant's request to file supplemental briefing and further directed Defendant to address certain issues in the supplemental briefing. *See* Order [Doc. No. 29]. As set forth in that Order, the Court deems a hearing is necessary to address issues arising from and related to the determination as to which of two appeals (referred to in the Order as the OHH Provider Appeal and the Authorized Representative Appeal) is the authorized (i.e., controlling) appeal in this action. **The Court sets this matter for hearing on October 26, 2023 at 10:00 a.m., in Courtroom 304.** At the hearing, the parties shall be prepared to address the following issues:

- Is the authorized (i.e. controlling) appeal the OHH Provider Appeal or the Authorized Representative Appeal?
- If the Authorized Representative Appeal is the authorized (i.e., controlling) appeal, how does that impact the governing standard of review? For example, would any untimeliness to the response to this appeal require de novo review?

- As to the non-controlling appeal, is evidence related to that appeal excluded from the Court's review?
- Do procedural irregularities in the appeal process require a reversal or a remand for further development of the administrative record?
- For purposes of Plaintiff's claim for statutory penalties, what statutory, regulatory, or case authority supports a distinction between a "plan" administrator and a "claims" administrator? In addressing this issue, the parties should be prepared to address the definition of "administrator" under 29 U.S.C. § 1002(16) in relation to the facts contained in the administrative record.
- Any and all additional issues addressed in the parties' briefing submissions.

IT IS SO ORDERED this 15<sup>th</sup> day of September, 2023.



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SCOTT L. PALK  
UNITED STATES DISTRICT JUDGE